

## REMARKS/ARGUMENTS

Claims 1-12 and 49-55 remain in the application.

Reconsideration of this application is respectfully requested.

Claims 1-12 and 49-55 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Pepe, et al. (USPN 5,742,668). In support, the Examiner suggests that Pepe discloses the limitations of the present invention (see col. 16, lines 36-50; col. 18, lines 1-20; and col. 19, line 66 – col. 20, line 52). Based upon this comparison, the Examiner insists Pepe anticipates the present invention. The Applicants, however, strongly disagree.

In short, the novelty provision of 35 U.S.C 102(e) denies patentability when "the invention" was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2) and (4) of section 371(c) of this title before the invention by the applicant for patent. It is well established, however, to "anticipate," pursuant to 102, a single prior art reference must disclose each limitation of a claimed invention or its equivalents functioning in essentially the same way as arranged in the claim.

As amended, each claim in the present application recites, or depends from claims which recite:

[a service provider]...*receiving service processing logic from the subscriber* to allow the service provider to provide the service; and

executing the service processing logic *received from the subscriber* to provide the service to the subscriber based on the service processing logic when the service has been requested.

Or

[a subscriber] ...*sending service processing logic to the service provider* to allow the service provider to provide the service; and

receiving the service *based on the service processing logic* from the service provider when the service is requested.

While Pepe relates to providing a service from a service provider to a subscriber, a careful reading of this reference fails to disclose the service provider receiving service processing logic from the subscriber..., and executing the service processing logic received from the subscriber to provide the service to the subscriber. Rather, Pepe discloses an internetwork that interconnects messaging services with both wireless and wireline networks (col. 3, lines 40-42). The service providers in Pepe already have access to the messaging services for the end user service, such as email, fax, or the like. As a result, a service provider performs an authorization check on the subscriber to determine whether a particular subscriber may access the requested end user service already made available to the service provider (see col. 16, lines 36-51). Thus, Pepe teaches away from the present invention because the *subscriber* in Pepe does not provide new service processing logic *directly to the service provider to be executed on behalf of the subscriber*.

Based upon this lack of teaching, the Applicants insist that Pepe fails to describe the invention of the present application. Since Pepe fails to disclose an essential limitations of the claimed invention; namely, *receiving service processing logic from the subscriber*, and executing the service processing logic *received from the subscriber* to provide the service, there is no anticipation under 35 U.S.C. 102, because the exclusion of a claimed element from the prior art reference is enough to negate anticipation by that reference. For these reasons, the Applicants assert that the claims in the present application are not anticipated by Pepe and may therefore be passed to allowance.

The Applicants believe that the subject application, as amended, is in condition for allowance. The Applicants earnestly solicit such action.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

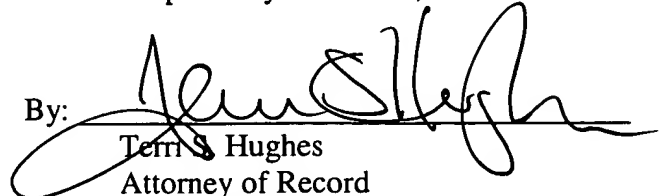
Please charge any fees associated herewith, including extension of time fees, to Deposit Account No. 502117.

SEND CORRESPONDENCE TO:

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Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Terri S. Hughes", written over a horizontal line.

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